

LIBERTY IN EDUCATION: SCHOOL CHOICE

Provided by Indiana Attorney General Todd Rokita



A roadmap for Hoosier parents and caregivers
to exercise their legal right to direct their
children's education • Volume III





Questions and Answers

Volume III: Liberty In Education - Public Schools

Q: What are the various options for public education in Indiana?*

A: There are a variety of options within the public school system, including brick-and-mortar traditional schools, brick-and-mortar charter schools, virtual schools (traditional public and charter), magnet schools, and learning pods. Consistent with the Indiana Constitution Art. 8, §1, all types of public schools are open to all students and free of tuition.

Q: What is a traditional public school?*

A: Traditional public schools include brick-and-mortar schools that are under the control of a school corporation, subject to the authority of the Indiana Department of Education (“IDOE”), and serve some combination of grades Pre-K to 12. Ind. Code § 20-18-2-14.3.

Q: What is a magnet school?*

A: Magnet schools are traditional public schools with specialized courses or curricula that allow kids to focus on specialized themes, such as performing arts. The “magnet” refers to how the specialty offered by the school draws students from across traditional public school district boundaries. Magnet schools are voluntary.

Q: What is a charter school?*

A: Charter schools are public schools. The term “charter” refers to the agreement between the school and the organization that authorizes both the establishment and operation of the school. Under Ind. Code § 20-24, charter schools are established to serve the different learning styles and needs of public school students, to offer appropriate and innovative choices, to afford varied opportunities for professional educators, to allow freedom and flexibility in exchange for exceptional levels of accountability, and to provide parents, students, community members, and local entities with an expanded opportunity for involvement in the public school system. An individual charter school is considered to be its own local educational agency (LEA), meaning it is treated as an autonomous entity independent from a school district. For some purposes, including funding and other topics specified in law, charter schools can be treated as their own school corporations.



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Although public charter schools are exempt from some state and district regulations, they are held to high levels of accountability. In addition to meeting state and federal accountability requirements (Public Law 221, Indiana’s Accountability Model, and The Every Student Succeeds Act 20 U.S.C. § 6301), charter schools must also meet the requirements set out in their charter. An authorizer may revoke a school’s charter at any time if the school is not fulfilling the terms of its charter. Charter schools are nonreligious. Charter schools have more flexibility to set curriculum, school hours, and rules than traditional public schools. Charter schools can be either brick-and-mortar or virtual. Ind. Code § 20-24-1-4; Ind. Code § 20-24-1-10.

Q: What is a virtual school?*

A: Virtual schools can be private or public and offer an education program in which more than fifty percent of student instruction is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both. Ind. Code § 20-19-9-1.

Public virtual schools are operated by the school district and must follow the same rules and standards as all other Indiana public schools. Charter virtual schools are public but operate with more flexibility than public virtual schools. Ind. Code § 20-24-7-13.

Virtual schools provide instruction in different ways. Instruction defined as synchronous learning is teacher-led instruction where the student and teacher/class interact in real-time via the computer. Asynchronous learning includes instruction in which the student and teacher are separated by time and occurs via email or online discussion forums. Blended learning provides a hybrid model where students receive instruction both in-person at a school facility and online with students retaining some degree of control over time, location, and pace. For a listing of virtual schools in Indiana, see “Additional Parent Resources.”

Q: What is a learning pod?*

A: During the pandemic, many families chose to gather their children together with neighbors or friends for on-line learning as a group, or pod. Learning pods take a variety of legal forms and formats, including learning support pods and self-directed pods.



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Learning support pods (public school option) differ from a self-directed pod (private option) in that parents keep their child enrolled in the public school during a period of remote learning. Under the supervision of a parent, several parents, or a guardian, students work together on lessons, classes, and activities provided by the children's existing schools. Indiana law does not define learning support pods. They evolved as a solution to remote learning during the COVID-19 pandemic. If your child is enrolled in a public school that moves to remote learning and is supervised by an adult in your learning pod, you do not need to notify your public school. Learning support pods could also serve as an option for parents with children enrolled in a public virtual school if permitted by the student's school. See "Additional Parent Resources" for a listing of online public virtual schools that may permit learning pods. Self-directed learning pods involve unenrolling your child from a public school as discussed in the private school section.

Q: What determines a student's public school district?*

A: A student's public school district is where the student has legal settlement. Generally, legal settlement is the location where the student's parents reside. Ind. Code § 20-26-11-1. If the student's mother and father divorce or separate, the legal settlement of the student is the residence of the parent with custody of the child. Even though custody is awarded to one parent, the parents can agree outside of court that legal settlement is with the other parent (the student needs to be living with this other parent). If a court order has not been made establishing custody of the child, the student's legal settlement is with the parent with whom the student lives. Ind. Code § 20-26-11-2.5.

Q: Does my child have to attend school in the public school district where we reside?*

A: No. Indiana has open enrollment policies that allow for public school choice to exist beyond moving to another school district. Ind. Code § 20-26-11. Any school district in Indiana may voluntarily enact a policy for accepting or rejecting applications for a transfer to another school that lies within or outside the boundaries of the district. If school districts do not voluntarily enact a policy, Indiana law allows parents to request a transfer from a district where the student is a resident to another school if the student may be better accommodated in the public school of the transferee corporation. Ind. Code § 20-26-11-5. The decision whether to grant the transfer depends on the crowd conditions of the transferee school and curriculum offerings at the high school level that are important to the vocational or academic aspirations of the student. Id. The school corporation has 30 days to respond to the request. If after 30 days the school corporation fails to act, the transfer is considered approved. If the transfer is denied, an appeal may be taken to the SBOE within 10 days of the denial and the SBOE shall hold a hearing. Ind. Code § 20-26-11-15.



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Q: How do I withdraw my child from school?*

A: A parent may withdraw their student from school at any time for the purpose of transferring that student to another public school, private school, or homeschool. Local school districts may have their own form and procedure for doing this. It is best practice to provide a written withdrawal letter to the school. It is important to note that attending school is compulsory in Indiana. Ind. Code § 20-33-2-4. The law requires students to attend from the fall semester of the school year the student turns 7 years old until the student graduates or becomes 18 years of age, with some exceptions made after the age of 16 years. Students shall attend a public school or another school taught in the English language (private school or homeschool). Ind. Code § 20-33-2-6.

Q: Do public schools charge tuition?*

A: No. Public schools do not charge tuition. Public schools are primarily funded through a combination of state funding, local property taxes, and federal grants. During the 2020-2021 school year, these sources of funding provided \$9,543,579,468.87 billion to Indiana schools, or \$9,193.68 per student as reported by the Indiana Department of Education. See “Additional Parent Resources” for the full report.

Q: What is the average total amount of state spending (not including local or federal funds) per student in a traditional public school?*

A: The total per-pupil payments from the state to public schools, also referred to as “state tuition support,” averaged \$7,026 in the 2021-2022 school year and will average \$7,395 for the 2022-2023 school year. See “Additional Parent Resources” for more detailed information on the Indiana State Budget.

Q: Does the state provide different levels of funding to public schools?*

A: Yes. State tuition support includes a foundation grant and a complexity grant. While the per-pupil amount of the foundation grant is the same for all students in all schools, the per-pupil amount of the complexity grant varies depending on each school’s demographics. The per-pupil amount of the foundation grant to public schools was \$5,995 for the 2021-2022 school year. That amount increases to \$6,235 for the 2022-2023 school year. Ind. Code § 20-43-3-8. While the amount of the complexity grant varies depending on school demographics, such as the number of enrolled foster children and families receiving income-based public assistance, the average per-pupil complexity grant equaled \$2,246 per pupil for the 2021-2022 school year. Ind. Code § 20-43-6-3. Of note, the base amount of state tuition support to virtual schools is 15% less than brick-and-mortar schools.



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In addition to the foundation and complexity grants, state tuition support is awarded to schools based on the number of students who earn Honors diplomas (\$30,027,400 in 2021), Ind. Code § IC 20-43-10, participate in career and technical education programs (\$131,432,850 in 2021), Ind. Code § 20-43-8-15, and have special education needs (\$567,426,692 in 2021) Ind. Code § IC 20-43-7-1. Special education dollars are distributed to schools for each eligible student based on the level of disability: Severe-\$10,575, Moderate-\$2,657, Mild-\$500. Ind. Code § 20-43-7-6.

Q: Is there a way to compare public school budgets to evaluate how much money is spent on student learning and classroom instruction versus non-academic expenses, such as debt financing and overhead costs?*

A: Yes. The Office of Management and Budget (OMB) is required under Indiana law to publish a report titled “Dollars to the Classroom,” which includes the ratio of student instructional expenditures (academic achievement and instructional supports) to non-instructional expenditures (overhead, operations, and debt financing). Ind. Code § 20-42.5-3. From 2006 to the 2019-2020 school year (most recent year reported), the statewide average of dollars going directly to student academic achievement declined by roughly 5%. While this may not seem like a large percentage, it represented \$650,000,000 fewer dollars spent on academic achievement in the 2019-2020 school year. The amount spent on student services, such as school administration, school counselors, mental health services, occupational therapists, and other non-academic related services increased by 2.5%, representing \$325,000,000. The amount spent on overhead and operations increased by 1.4%, representing \$182,00,000, and non-operational expenses increased by 1%, representing \$130,000,000. Parents wishing to compare the budgets of individual schools and districts in the school selection process can view more detailed information via the “Dollars to the Classroom” report available on the OMB website. See “Additional Parent Resources” for this report.



Questions and Answers

Private Schools

Q: What qualifies as a private school?*

A: A school not maintained by a school corporation. Ind. Code § 20-18-2-12. Indiana law refers to private schools as non-public schools.

Q: What are the various private school options in Indiana?*

A: Private schools are either accredited or non-accredited and encompass traditional brick and mortar schools, virtual schools, learning pods, and homeschools.

Q: What is a traditional private school?*

A: Traditional private schools are brick-and-mortar and take a variety of forms. Traditional private schools can be religious or secular schools. Depending on the mission and goals of the school, they can be accredited or non-accredited and operate with various levels of state government regulations.

Q: What is a private virtual school?*

A: Virtual schools can be private or public schools. Private virtual schools operate similarly to a traditional private school, but the program is offered online. Some virtual private schools are accredited and participate in the Indiana Choice Scholarship Program, which allows students to use state vouchers to pay tuition costs.

Virtual schools provide instruction in different ways. Instruction defined as synchronous learning is teacher-led instruction where the student and teacher/class interact in real-time via the computer. Asynchronous learning includes instruction in which the student and teacher are separated by time and occurs via email or online discussion forums. Blended learning provides a hybrid model where students receive instruction both in-person at a school facility and online with students retaining some degree of control over time, location, and pace. For a listing of virtual schools in Indiana, see “Additional Parent Resources.”



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Q: Are learning pods considered private schools?*

A: During the pandemic, many families adjusted to school closures by getting their children together with their neighbors or friends to do on-line learning as a group, or pod. “Learning pods” are not explicitly defined under Indiana law, but pods that are not under the control of a public school (as discussed in the public school section) are considered private schools that are either accredited or non-accredited by the State of Indiana. In a learning pod, or a microschool as they are often referred to, a group of parents may serve as teachers or pool resources to hire teachers, tutors, or instructors. The rules that a private microschool/pod must follow depend on its accreditation status, which is discussed below. A distinct difference between homeschool parents getting their children together for activities and a private microschool/pod is that the homeschool parent makes all educational decisions for the student, whereas in a private learning pod, the authority is shared.

Q: Does the State of Indiana require accreditation of private schools?*

A: No. The State of Indiana does not require private schools to be accredited unless the school elects to participate in one of Indiana’s school choice programs. Ind. Code § 20-31-4.1. However, private schools wishing to participate in the Indiana High School Athletic Association (IHSAA) also must be accredited.

Q: What rules must a non-accredited private school follow in Indiana?*

A: A non-accredited private school is exempt from state regulations regarding curriculum and the content of education programs. Ind. Code § 20-33-2-12. However, a non-accredited private school is required under Indiana law to adhere to the regulations below:

- The school must provide an “equivalent education” to that offered by the state. Ind. Code § 20-33-2-28. Although, an “equivalent education” is not defined under Indiana law.
- Instruction must be offered for the number of days that the local school corporation is in session, which is generally 180 days each year. Ind. Code § 20-33-2-6; Ind. Code § 20-30-2-3.
- Instruction must be in the English language. Ind. Code § 20-33-2-4.
- Attendance records must be kept. Ind. Code § 20-33-2-8.



Questions and Answers

Q: How does a private school become accredited in Indiana?*

A: The State Board of Education (SBOE) accredits schools in two ways. A private school may file an application with the SBOE for accreditation under Indiana’s performance-based accreditation system. Ind. Code § 20-21-4.1. A private school may also be accredited through a third-party accreditation organization recognized by the SBOE, including Accrediting Association of Seventh-day Adventist Schools, Colleges, and Universities (AASDAS); American Association of Christian Schools (AACCS); Association of Christian Schools International (ACSI); Christian Schools International (CSI); Independent Schools Association of the Central States (ISACS); International Christian Accrediting Association (ICAA); National Lutheran Schools Accreditation (NLSA); and North Central Association (NCA)/AdvancED. See “Additional Parent Resources” for IDOE guidance.

Q: What rules must private schools follow if accredited through Indiana’s performance-based accreditation system?*

A: In 2020, the state legislature passed Ind. Code § 20-31-4.1 requiring the SBOE to develop a performance-based accreditation system to which all public schools must adhere and private schools may voluntarily apply. As determined by the SBOE, private schools that apply for accreditation shall be accredited under this system if the school meets all applicable legal standards.

Q: What are the legal standards established by the SBOE that accredited private schools must meet under Indiana’s performance-based accreditation system?*

A: Accredited private schools and public schools must adhere to all legal standards established by the SBOE under Title 511 Indiana Administrative Code Article 6. Accredited private schools must provide 180 days of instruction each year, follow health and safety requirements, offer certain curricula required under Indiana law, follow teacher-student ratios, conduct criminal background checks on employees, administer the Indiana state test, and report to the state data for A–F ratings, including state assessment scores and graduation rates. Accredited private schools may not discriminate on the basis of race, color, or national origin and must grant the state full access to its premises for observing classroom instruction and reviewing any instructional materials and curriculum. See “Additional Parent Resources” for the full list of regulations.



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Q: What rules must private schools follow if accredited by a third-party accreditation organization?*

A: Each accreditation organization recognized by the SBOE establishes their own guidelines for accreditation. In general, accreditation organizations follow a thorough evaluation process that considers how the school is governed, financed, and operated, as well as standards for school safety, academic performance, curricula, teacher training, teacher licensing, and other criteria.

Q: If my child attends a private school, does my child qualify for special education services offered by a public school?*

A: Yes. For students with disabilities who have been placed in private schools by their parents, public schools have a duty to locate, identify, and evaluate all students with disabilities; consult with non-public school representatives and representatives of the parents of non-public school students with disabilities; and make available special education and related services to all students with disabilities. Ind. Code § 20-19-2-8; Ind. Code § 20-19-2-16; 511 Ind. Admin. Code 7-34-1. It is the public school's responsibility to evaluate the student and conference with the student's parents to determine a plan for the student. A parent may initiate the special education process through the public school district of the student's legal settlement or the public school district in which the private school is situated, if different. See generally 511 Ind. Admin. Code 7-34.

Q: Does a student in a private school receive the same level of special education services as a student in public school?*

A: No. A private school student with a disability receives special education and related services in accordance with a Service Plan (SP), not an Individualized Education Program (IEP). The full array of services required under an IEP are not required to be made available as part of a SP for a student in a private school. For example, the length and frequency of services to be provided may be less than the student would receive through an IEP; alternatively, the SP may provide consultative services in the private school where, were the student enrolled in a public-school program, the services may be more direct. If the public school decides to provide the services at a location other than the non-public school, it must provide transportation for the student to and from the location. See generally 511 Ind. Admin. Code 7-34. See also "Additional Parent Resources" for the IDOE guidance on special education services for private school students.



Questions and Answers

Homeschool

Q: Do parents have a right to homeschool their children?*

A: Yes. Near the turn of the 20th century, the Indiana Court of Appeals recognized home study as an educational option. *State v. Peterman*, 70 N.E. 550, 552 (Ind. App. 1904). The United States Supreme Court recognizes that parents have a fundamental right to direct the upbringing and education of children under their control. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Yoder v. Wisconsin*, 406 U.S. 205 (1972). Parents have a right to educate their children in facilities other than those provided in the public schools.

Q: How does Indiana define homeschooling?*

A: Indiana has a functional definition of homeschooling as non-accredited and non-public schools with less than one employee. Ind. Code § 20-32-4-4. Ind. Code § 31-33-8-7.

Q: What laws govern and regulate homeschoolers in Indiana?*

A: The IGA has enacted several homeschool laws:

- Children ages 7-17 must be educated. Ind. Code § 20-33-2-5.
- The Indiana school year begins after June 30 of the school year and concludes before July 1 of the same school year. Ind. Code § 20-18-2-17.
- Home educated students must be instructed for the same number of days as their local school system is in session. This is typically 180 days. Ind. Code § 20-33-2-6; Ind. Code § 20-30-2-3.
- Parents must begin keeping attendance records the date the child turns 7. Ind. Code § 20-33-2-8.
- The local superintendent and the State Secretary of Education may ask to see a parent's attendance sheet. Ind. Code § 20-33-2-20.
- Parents must provide an equivalent education. Ind. Code § 20-33-2-28. Although, "equivalent education" is not defined.
- Home educators are not bound to curriculum and content requirements in Ind. Code Art. 20; Ind. Code Art. 21; or Ind. Code § 20-33-2-12.



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- The education must be taught in English. Ind. Code § 20-33-2-4.
- The parents of a high school student withdrawing to home educate must fill out a form developed by IDOE and approved by the SBOE that explains the legal requirements of attending a non-accredited, non-public school located in Indiana. Ind. Code § 20-33-2-28.6.

Q: Do I have to register my homeschool children with the state?*

A: No. Homeschool registration does not exist in the State of Indiana.

Q: Do homeschools have to keep attendance?*

A: Indiana law requires a non-public school to keep “an accurate daily record of the attendance of each student who is subject to compulsory school attendance,” which is required to be kept solely “to verify the enrollment and attendance of a student upon request of the (1) secretary of education; or (2) superintendent of the school corporation in which the non-public school is located.” Ind. Code § 20-33-2-20.

Public school districts or the IDOE should not request that all homeschool families report their school attendance. This general and continuous request does not meet the standard in either of these provisions of the law.

Q: What options do parents have to choose curriculum for their homeschool children?*

A: Indiana law gives home educators the flexibility to choose the curriculum and textbooks they believe will most benefit their children. Parents are not required to follow the same program or curriculum requirements of Indiana public schools. The state does not require that you register your child with the state or approve the homeschool programs or curriculum. However, parents should maintain good records of the courses taught through high school so that transcripts may be provided to colleges and prospective employers. See “Additional Parent Resources” for educational choice resources.

Q: Is there funding from the state to cover homeschool expenses?*

A: No. Home education is privately funded per the definition of non-public and non-accredited schools. Many options exist for free or low-cost private curriculum. Indiana does offer a tax deduction of up to \$1,000.00 for educational expenses related to private education.



Questions and Answers

Q: Are virtual school options offered through public school systems considered homeschooling?*

A: No. Students enrolled in a virtual public-school program are public school students. A homeschool is, by definition, a non-public and non-accredited school.

Q: Are homeschool students eligible for special education services provided by public schools?*

A: Yes. Homeschools are considered non-accredited private schools in Indiana and students are eligible for special education services in the same manner as other private school students.

Q: Does a homeschool student receive the same level of special education services as a student in public school?*

A: No. A homeschool student with a disability receives special education and related services from the public school in accordance with a Service Plan (SP), not an Individualized Education Plan (IEP). Students generally receive a different level of service under a SP than students receive under an IEP. The full array of services required under an IEP are not required to be made available as part of a SP for a homeschool student. For example, the length and frequency of services to be provided may be less than the student would receive through an IEP at a public school; alternatively, the SP may provide consultative services for a homeschool student where, were the student enrolled in a public-school program, the services may be more direct. If the public school decides to provide the services at a location other than the location of the homeschool, it must provide transportation for the student to and from the location. See generally 511 Ind. Admin. Code 7-34.



Questions and Answers

Individual State Tax Credits and Grants for Parents

Q: What state tax deductions are available to offset private school costs?*

A: Parents may claim a deduction up to \$1,000.00 per child on their state tax returns for unreimbursed educational expenditures for a dependent child in a private school, including homeschools.

Q: What educational costs can be deducted?*

A: Deductible expenses include parents' expenditures on unreimbursed costs, such as private school tuition, homeschooling costs, textbooks, fees, software, tutoring, and supplies.

Q: What is an Indiana Education Enrichment Grant?*

A: The Indiana General Assembly passed a law in 2022 authorizing the IDOE to establish a grant program to which parents of K-12 students in public or private schools may apply for a \$500 scholarship (or \$1000 if their school matches the grant) to pay for the cost of tutoring or other services (approved by IDOE) designed to improve student performance in math or English. The grants will be offered from June 30, 2022, through October 1, 2024. The number of grants provided will depend on the availability of funds. Eligibility for the grants and other requirements are to be established by the IDOE and were not available at the time of publication.



Questions and Answers

Indiana Choice Scholarship Program

Q: What is the Indiana Choice Scholarship Program?*

A: The Indiana Choice Scholarship Program (“Choice Scholarship Program”) established under Indiana Code § 20-51-4, commonly referred to as the voucher program, provides scholarships to eligible Indiana students to offset tuition costs at participating private schools. During the 2020-2021 school year, there were 35,698 students participating in the Choice Scholarship Program. With recent legislative changes to the income levels required for eligibility, approximately 80% of Indiana students are now eligible for the program.

Q: How do parents apply to the Choice Scholarship Program?*

A: For parents interested in applying for the Choice Scholarship Program, the Indiana Department of Education has an online resource that guides parents through each step of the application process. Parents may also work with the private school that the student wishes to attend to start the application process. A link to the application is available in “Additional Parent Resources.”

Q: How many private schools in Indiana participate in the Choice Scholarship Program?*

A: Indiana has 330 private schools participating in the Choice Scholarship Program. See “Additional Parent Resources” for the listing of schools.

Q: Who qualifies for scholarships under the Choice Scholarship Program?*

A: Per Ind. Code § 20-51-4-2, all eligible students will qualify for the Choice Scholarship Program for each school year that the eligible Choice Scholarship Program student enrolls in an eligible school. To be eligible, a student must be a resident of Indiana, be accepted for enrollment at a participating school, and be between the ages of 5 and 22 no later than August 1 of the school year. The student’s family must also meet annual income requirements of no more than 300% of the amount for federal free or reduced lunch (\$147,075 for a family of four in 2021-22 and \$154,012.50 for a family of four in 2022-2023). In addition to these requirements, the student must qualify under one of the below “pathways,” or tracks:¹⁹

¹⁹ See: EdChoice, Choice Scholarship Program (accessed April 11, 2022), <https://www.edchoice.org/school-choice/programs/indiana-choice-scholarship-program/>.



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- **Public School Track:** The student has completed two years of enrollment in a public school immediately preceding the school year for which the student is applying for a Choice Scholarship.
- **“F” Public School Track:** The student would be required to attend a specific public school based on his/her legal settlement that that has been assigned an “F” grade. (However, he or she is not required to attend that public school before becoming eligible nor return to that school should the grade be raised).
- **Special Education Track:** The student has a disability that requires special education services and has an Individualized Education Plan (IEP) or Service Plan (SP).
- **Pre-K Track:** The student received an Early Education Grant (“On My Way Pre-K”) and attends kindergarten at the same school that they attended for preschool.
- **Foster Care Track:** The student is in foster care.
- **Sibling Track:** The sibling of the newly applying student received either a Choice Scholarship Program scholarship or a Scholarship Granting Organization (SGO) scholarship in a previous school year, including a school year that does not immediately precede the school year for which the student is applying for a Choice Scholarship Program scholarship.
- **Previous Scholarship Granting Organization (SGO) Track:** The student received an SGO scholarship, as further explained below, in a previous school year, including a school year that does not immediately precede the school year for which the student is applying for a Choice Scholarship Program scholarship.
- **Continuing Choice Scholarship Program Scholarship Student Track:** The student received a Choice Scholarship in the school year immediately preceding the school year for which the student is applying for a Choice Scholarship.

Q: How is the Choice Scholarship Program funded?*

A: The program is funded by state taxpayer dollars and appropriated by the IGA. The Choice Scholarship Program receives no local funds and only a negligible amount from federal funds dedicated to public education.



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Q: What is the value of a Choice Scholarship Program scholarship?*

A: Choice Scholarship Program scholarships equal 90% of state tuition support to the public school the child would otherwise attend, or the amount of tuition posted by the private Choice Scholarship Program school, whichever is lesser. Ind. Code § 20-51-4-4. State tuition support is equal to the foundation and complexity grants and any additional payments for the Honors and Career and Vocational programs received by the public school the student would otherwise attend. The 2022-2023 average voucher amounts vary between \$5,500.00 to \$7,300.00, depending on the school district. If a student is eligible for special education funds, the voucher would include an additional amount depending on the severity of the student's disability: Severe-\$10,575, Moderate-\$2,657, Mild-\$500. Ind. Code § 20-43-7-6. See "Additional Parent Resources" for voucher amounts by school district.

Q: Does state funding for the Choice Scholarship Program drain public school resources?*

A: No. It saves the state money. The state pays the private school 90% of the state tuition support and the state saves the other 10% of funding. The Choice Scholarship Program saved the state \$67 million in 2021 state education costs. Moreover, Choice Scholarship Program students do not receive any share of local funding and an insignificant amount of federal funding directed to public schools. On average, these students are educated at less than 50% of the cost of a public-school student.²⁰ See "Additional Parent Resources" for more details on the finances of the Choice Scholarship Program.

Q: Are Indiana Choice Scholarship Program schools required to take statewide assessments?*

A: Yes. Ind. Code § 20-51-1-4.7 requires schools that accept Choice Scholarships to administer statewide testing to all students enrolled. This is also a requirement for any state accredited private schools.

²⁰ See: EdChoice, Choice Scholarship Program (accessed April 11, 2022), <https://www.edchoice.org/school-choice/programs/indiana-choice-scholarship-program/>.



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Q: Do Indiana private schools that participate in the Choice Scholarship Program have more regulations than private schools that do not participate?*

A: Yes. Non-accredited private schools have the fewest regulations. Accredited private schools must follow the legal standards established through the state performance-based accreditation system or the standards established by a third-party accreditation organization (*See Private school accreditation section*). In addition to the regulations for state accreditation, participating Choice Scholarship Program schools must follow regulations established under Ind. Code 20-51-4. Choice Scholarship Program schools are also required to develop a plan for annual performance evaluations for each certificated employee. Ind. Code § 20-28-11.5-4. *See "Additional Parent Resources"* for IDOE regulatory guidance for non-public schools.

Q: Is a Choice Scholarship Program school required to provide special education services?*

A: No. The level of special education services provided by the Choice Scholarship Program school is based on their ability to provide them. Parents can elect to have the special education services provided by the public school if not available through the Choice Scholarship Program school.

Q: Are Choice Scholarship Program students eligible to receive special education services provided by public school districts?*

A: Yes. If a Choice Scholarship Program school provides special education services, the parent must decide whether he or she wants the Choice Scholarship Program school or the public school district to provide the student's special education services. If the parent selects to have the services provided by the public school, the student will receive the same special education services provided by a public school district to all private school special education students. 511 IAC 7-49.

If the parent selects to have the special education services provided by the private Choice Scholarship Program school, the private school staff will meet with the parents and develop a Choice Special Education Plan (CSEP), similar to a Service Plan (SP) developed for non-Choice Scholarship Program students. The CSEP describes the special education and related services that the school is required to provide to the Choice Scholarship Program student. Parents can change their mind if they find their child's special education services would be better provided through the public school. Of note, the Choice Scholarship Program school will receive any special education funding made available for the student. 511 IAC 7-49.



Questions and Answers

Scholarship Granting Organizations

Q: What is a Scholarship Granting Organization and how is it funded?*

A: Certified Scholarship Granting Organizations (SGO) provide scholarships (vouchers) to income eligible students to offset tuition costs at partnering schools. SGOs are part of the School Scholarship Tax Credit Program. Ind. Code § 20-51-1-7. Qualified SGOs receive funding from private, charitable donations for private school scholarships. Those who donated to an SGO approved by the IDOE are eligible to take advantage of a credit worth 50 percent of the donation against their individual or corporation state tax liability.

Q: What are the differences between SGO scholarships and Choice Scholarship Program scholarships?*

A: The Choice Scholarship Program provides *state-funded* scholarships to eligible Indiana students to offset tuition costs at participating schools. SGO scholarships are different in that they are funded by *private*, charitable donations and awarded by a certified SGO, not the state of Indiana. SGO scholarships have fewer eligibility requirements than the Choice Scholarship Program scholarships. For example, the SGO scholarships do not require students to attend public schools for two semesters. While the value of a Choice Scholarship Program scholarship is tied to the amount of state tuition support, the amount of an SGO scholarship is determined by the SGO.

Q: How does a parent apply for an SGO scholarship?*

A: A parent should contact the partnering school they wish their children to attend to start the application process. The Indiana Department of Education provides a list of partnering schools. See “Additional Parent Resources.”

Q: What regulations do schools that accept SGO scholarships have to follow?*

A: Private schools that accept SGO scholarships must be accredited and administer the statewide assessments or another nationally recognized assessment to the schools’ students. Ind. Code § 20-51-1-6.



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Q: What are the student eligibility requirements to receive an SGO scholarship?*

A: For SGO scholarship eligibility, the state requires that the student 1) has legal settlement in Indiana; 2) is between 5 and 22 years of age; 3) either has been or is currently enrolled in a participating school; and 4) is a member of a household with an annual income equal to or less than 300% of the amount for the individual to qualify for federal free or reduced lunch (\$147,075 for a family of four in 2021-22 and \$154,012.50 for a family of four in 2022-2023). Ind. Code § 20-51-1-5. SGOs may establish additional requirements for the scholarships they provide. See “Additional Parent Resources” for a list of SGOs.

Q: What is the amount of an SGO scholarship?*

A: There is no amount established by state statute that an SGO must award to an eligible student. However, the maximum amount cannot exceed the cost of tuition at the school to which the scholarship applies. The average amount awarded is \$2,350.

Q: How many SGO scholarships are awarded each year?*

A: It depends on the availability of funds. But there were 9,557 SGO scholarships awarded in the 2020-2021 school year.

Q: Can a student be awarded an SGO scholarship and an Indiana Choice Scholarship?*

A: A student who meets the requirements for a Choice Scholarship Program scholarship may also qualify for an SGO Scholarship in the same year provided that the combination of the two scholarships does not exceed tuition and fees.



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Education Scholarship Accounts

Q: What is the Indiana Education Scholarship Account Program?*

A: Starting in the 2022-2023 school year, the Indiana Education Scholarship Account Program (INESA) will offer Education Scholarship Accounts (ESA) to qualified parents of special education students to cover the costs of education activities and materials approved under the program. The list of approved educational expenses covers a variety of options, such as private school tuition, public school courses, approved educational services, testing fees, special needs services and therapies, individual classes, school-sponsored extracurricular activities, and occupational therapy. Students may also use up to \$750 of their ESA funds annually for transportation services. See generally Ind. Code § 20-51.4.

Q: Who is eligible for an ESA account?*

A: Students are eligible for an ESA if they 1) are not enrolled in a public school; 2) have either an Individualized Education Plan (IEP), Service Plan (SP), or Choice Special Education Plan (CSEP) for special needs; and 3) are from a family with a household income up to 300 percent of the eligibility level for the federal free and reduced-price lunch program (\$147,075 for a family of four in 2021-22 and \$154,012.50 for a family of four in 2022-2023). Ind. Code § 20-51.4-2-4.

Q: How is an ESA different than a Choice Scholarship Program scholarship?*

A: Both ESAs and Choice Scholarship Program scholarships are paid for with funds appropriated by the IGA. However, scholarships through the Choice Scholarship Program must be used to pay for tuition at a participating private school. ESAs may be used, not only for private school tuition, but also for a variety of other qualified education expenses. Eligibility for an ESA does not require students to qualify under one of the eight tracks mandated under the Choice Scholarship Program. Importantly, only students with a diagnosed disability requiring special education services are eligible for ESAs. Ind. Code § 20-51.4-2-4.

Q: What types of qualified education services can ESAs support?*

A: ESAs can be used to pay for tuition and fees at an approved private school or qualified courses through a public school. Parents may also use ESA funds to tailor a child's education through the use of tutors, therapies, services, and other pre-approved educational expenses, as long as the parent of the eligible student uses part of the money in the account in the following areas of study: reading, grammar, mathematics, social studies science, or other area as determined in the student's IEP, SP, or CSEP. Ind. Code § 20-51.4-2-9.



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Q: How does a parent apply for an ESA account?*

A: Applications to participate in the ESA program are forthcoming for the 2022-2023 school year through the Office of the Indiana State Treasurer. See “Additional Parent Resources” for a link to the application and other resources.

Q: Can a student be awarded both an ESA and a Choice Scholarship Program scholarship?*

A: No. A student may not be awarded both during the same school year. Ind. Code § 20-51.4-4-1.

Q: How much money does an ESA provide per student?*

A: ESAs are worth 90% of state tuition support provided to the public school the student would otherwise attend. This amount will vary from year-to-year and from school-to-school based on the state tuition support amount. Based on the 2022-2023 voucher amount, the maximum amount of an ESA should range between \$5,500 to \$7,300 or the cost of qualified expenses, whichever is lesser. Parents may roll over up to \$1,000 of unused funds in a given year to be used in subsequent years. Ind. Code § 20-51.4-4-4. If special education services are provided outside of the local public school, the ESA will include 100% of special education funding in addition to the ESA.

Q: What parent responsibilities are required under an ESA?*

A: Parents must sign an agreement with the state, use funds for qualified expenses, ensure studies in the subjects of reading, grammar, mathematics, social studies, and science, and have the student take the state test of the student’s grade level or the assessment determined by his or her IEP. Ind. Code § 20-51.4-4-1.

Q: How much money does the state make available for ESAs?*

A: The Indiana General Assembly capped the total annual amount available for ESAs at \$10 million dollars. This amount will pay for no more than 2,000 students to receive ESA funds each year.